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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,791	03/26/2001	Hiroshi Nakano	450119-4958	4878
20999	7590	01/11/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SENF1, BEHROOZ M	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,791

Applicant(s)

NAKANO ET AL.

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/13/2004, fwd 10/28/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152..

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment under 37 CFR 1.132 filed 8/13/2004 is insufficient to overcome the rejection of claims 1, 5, 9 and 13 based upon 35 U.S.C. 102(e) as set forth in the last Office action (paper no. 8, dated 5/3/2004): because, the newly added limitation “whereby the position within the payload area where the data indicative of the transfer mode is inserted is based on both the transfer mode and a timing mode of the transmission packet” to independent claims 1, 5, 9 and 13, reads on the reference patent Nagasawa (US 6,591,057), please see remarks.

Response to remarks:

Applicant asserts (page 9 of the amendment filed 8/13/2004) that “each of the claims recites data indicative of a transfer mode or timing mode is inserted into a payload area of a packet to be transmitted”. In response, the reference patent Nagasawa ‘057 discloses transfer mode or timing mode is inserted into the payload area constituted by the header (i.e. col. 7, lines 62 – 66, and col. 9, lines 55 – 57) for transmission.

Applicant asserts (page 10, lines 4 - 5 of the amendment filed 8/13/2004) that Nagasawa ‘057 fails to disclose “positioning feature”. In response, examiner respectfully disagrees; the newly added positioning feature “whereby the position within the payload area where the data indicative of the transfer mode is inserted is based on both the transfer mode and a timing mode of the transmission packet” as claimed, reads on Nagasawa ‘057 (i.e. col. 7, lines 62 – 66, col. 11, lines 1 – 10 and col. 13, lines 4 – 15),

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where discloses payload area and insertion of transfer mode and also time code (stamp, start and end of transfer) which could be considered as time mode. Therefore the previous ground of rejection still applies.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 – 3, 5 – 7, 9 – 11 and 13 - 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasawa (US 6,591,057), for the same reason as set forth in the previous Office Action (paper no. 8, dated 5/3/2004). The grounds are being restated for applicant's convenience.

Regarding claim 1, Nagasawa '057 discloses "data transmission method of transmitting a serial digital transfer interface " (i.e. fig. 4, abstract, col. 6, lines 57 – 65), and the claimed "end synchronizing code and a start synchronizing code and an ancillary data area and payload area " (i.e. fig. 4, ancillary data and payload area 1440, col. 7, lines 1 – 5) and the claimed "inserting data indicative of a transfer mode of the transmission packet into the payload area, and transferring the transmission packet into which the data indicative of the transfer mode was inserted at the first step in the form of serial data" (i.e. col. 9, lines 55 – 58 and col. 10, lines 65 – col. 11, lines 10). For

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newly added limitation "whereby the position within the payload area where the data indicative of the transfer mode is inserted is based on both the transfer mode and a timing mode of the transmission packet" as claimed, reads on Nagasawa '057 (i.e. col. 7, lines 62 – 66, col. 11, lines 1 – 10 and col. 13, lines 4 – 15), where discloses payload area and insertion of transfer mode and also time code (stamp, start and end of transfer) which could be considered as time mode.

Regarding claims 2 and 6, Nagasawa '057 discloses, "transfer mode of the transmission packet is inserted into the payload area at its transfer mode area" (col. 9, lines 55+).

Regarding claim 3, Nagasawa '057 discloses, "transfer mode is data indicative of any one of the asynchronous transfer mode in which the transmission packet converted into serial data in transferred between the transmission side and receiver side" (fig. 4, col. 10 – 11, lines 66 – 27).

Regarding claim 5, the limitations claimed are substantially similar to claim 1; therefore the grounds for rejecting claim 1 also apply here. Furthermore, for the additional limitations, "data containing audio a video and/or an audio signal" please see (fig. 1, video and audio data), and "parallel to serial converter" see (col. 4, lines 1 – 3).

Regarding claims 7 and 15, Nagasawa '057 discloses, "data transmission apparatus, wherein the encoder includes a first formatter for formatting the compressed data to provide the compressed data and first added data in the form of packaged data, a second formatter for formatting first formatted data generated from the first formatter

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and second added data defined by the serial digital transfer interface format to provide packaged data” (col. 6, lines 50+).

Regarding claims 9 - 11, the limitations claimed are substantially similar to claim 1, therefore the grounds for rejecting claim 1 also apply here. Furthermore, for the additional limitations, “timing mode” please see (figs. 5a – 5d and 9a – 9b, col. 10, lines 51 – 53), and the limitations “timing mode is a normal timing mode, and advanced timing mode and dual timing mode in claim 11” reads on (col. 10, lines 66 – col. 11, lines 10).

Regarding claim 13, the limitations claimed are substantially similar to claim 5; therefore the grounds for rejecting claim 5 also apply here.

Regarding claim 14, the limitation “timing mode of the transmission packet” as claimed, reads on (col. 10, lines 50 – 53).

Regarding claims 4, 8, 12 and 16, Nagasawa '057 discloses transmission of digital video, which implies transmission of motion video and also discloses the DCT and VLC compression coding which implies the variable teaches

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 8, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa '057.

Regarding claims 4, 8, 12 and 16, Nagasawa '057 teaches, "data transmission method of transmitting a serial digital transfer interface " and "end synchronizing code and a start synchronizing code and an ancillary data area and payload area " (i.e. fig. 4, abstract, col. 6, lines 57 – 65). Although the reference (Nagasawa '057) is silent in regards to explicitly teach MPEG standard for compression purpose. However, Nagasawa '057 teaches, "transmission of digital video", which implies transmission of motion video and also discloses the step of DCT and VLC (i.e. fig. 3), which implies the step of MPEG compression. Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to use MPEG standard as an obvious variation over the teaching of the prior art to compress digital data (audio/video) prior to transmission.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:


(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. J.

1/4/2005


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600